

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROLLAND L. TOCKEY,

Plaintiff,

vs.

DIRECTOR OF DEPARTMENT OF
CORRECTIONS, et al,

Defendants.

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4:05cv3108

MEMORANDUM AND ORDER

The court's Progression Order (Ffiling No. 34) requires the parties to submit a proposed Final Pretrial Order by April 30, 2007. However, mail from the court addressed to the plaintiff has recently been returned to the court as undeliverable (Filing Nos. 37 and 38), and the website maintained by the Nebraska Department of Correctional Services ("DCS") shows that the plaintiff has been discharged from DCS custody.

By April 13, 2007, the attorney for the defendants is requested to report to the court in writing whatever information is in DCS possession, if any, regarding a forwarding address for the plaintiff. If the defendant's counsel files an address for the plaintiff, the Clerk of Court shall immediately send a copy of this Order to that address. In addition, the Clerk of Court shall mail a copy of this Order to the plaintiff at the plaintiff's last known address in the court's records with the notation "please forward" on the outside of the envelope. If he receives this Order, the plaintiff shall inform the court in writing of his current address, and he shall state in writing whether or not he intends to proceed with this case. Otherwise, the court will wait until April 30, 2007 and then will dismiss this case, without prejudice, as abandoned and for failure to prosecute.¹

SO ORDERED.

DATED this 29th day of March, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

¹See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."